

**AGENDA FOR THE
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MONDAY, MARCH 17, 2003 AT 2:00 P.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MARCH 17, 2003 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

2/10/2003
2/11/2003
2/17/2003 Adjourned
2/18/2003

SPECIAL ORDERS OF BUSINESS

ITEM-31: Reuben H. Fleet Science Center 30th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1058)

Recognizing the Reuben H. Fleet Science Center for its efforts to make science interesting, accessible and fun, and heartily congratulates the Fleet Science Center on the occasion of its 30th anniversary;

Proclaiming March 10, 2003 to be "Reuben H. Fleet Science Center 30th

Anniversary Day” in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-32: PACE-TV Day.

COUNCILMEMBER MAIENSCHIN’S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1012)

Recognizing PACE-TV for their many outstanding contributions and service to the City of San Diego;

Proclaiming March 17, 2003 to be “PACE-TV Day” in San Diego.

SUPPORTING INFORMATION:

PACE-TV was established in 1978 by Dr. Michael Real for the purpose of using cable TV to give elders an opportunity to share their valuable knowledge with the community. PACE-TV has produced and broadcasted over 750 shows on a variety of topics including preventing violence, volunteer opportunities, and developing healthy relationships. They have been recognized by Channel 7/39 and local newspapers.

Maienschein

SPECIAL ORDERS OF BUSINESS

ITEM-33: Don Bauder Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1076)

Commending and honoring Don Bauder for his journalistic integrity, ethics and humor, his ongoing commitment to truth, but most of all for his lifelong dedication to ensuring that the public is informed, and therefore much less likely to fall victim to those who would attempt to deceive them financially, or otherwise; and resolving that San Diego’s loss will be Salida’s gain as they receive one of the truly great couples of our City;

Proclaiming March 17, 2003 to be “Don Bauder Day” in the City of San Diego.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, and 53.

ORDINANCES TO BE INTRODUCED:

Items 54 and 55.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Office Space Lease Amendment - Clairemont Community Service Center.
(Clairemont Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/24/2003. (Council voted 8-0. Councilmember Peters not present):

(O-2003-87)

Authorizing the City Manager to execute a Third Amendment to Lease agreement with the State Teachers Retirement Board of Ohio for the Clairemont Community Service Center and Police Storefront Center at a monthly rent of \$4,375;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$22,546 from the Community Service Center Fund 10170, Dept. 1702 for FY03 and \$12,600 from the Police Department Fund 100, Dept. 110 for FY03.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-51: Utilization of the Environmental Growth Fund.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/24/2003. (Council voted 8-0. Councilmember Peters not present):

(O-2003-116)

Amending Chapter 6, Article 3, Division 0 of the San Diego Municipal Code by amending Section 63.30 relating to the Utilization of the Environmental Growth Fund.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-52: Equipment and Vehicle Financing Program (EVFP).

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/3/2003. (Council voted 9-0):

(O-2003-111)

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 5-year lease term for the purpose of financing and refinancing the acquisition of equipment through lease-purchase. The Master Lease Agreement shall be in substantially the form presented to this Council, with such additions and changes as the City Manager, or his specified designees, shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney;

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 6-year lease term for the purpose of financing the acquisition of equipment through lease-purchase. The Master Lease Agreement shall be in substantially the form presented to this Council, with such additions and changes as the City Manager, or his specified designees shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney;

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 7-year lease term for the purpose of financing the acquisition of equipment through lease-purchase. The Master Lease Agreement shall be in substantially the form presented to this Council, with such additions and changes as the City Manager, or his specified designees shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-53: Refunding of 1993 Lease Revenue Bonds (Old Town Trolley) and 1993 Certificates of Participation (Balboa Park and Mission Bay Park Improvements) and authorization to replace Cash in Debt Reserve Funds of Refunding Issuances with Surety Policies.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 3/3/2003 (Council voted 9-0):

Subitem-A: (O-2003-121 Cor.Copy)

Authorizing a Facilities Lease and Site Lease with the San Diego Facilities and Equipment Leasing Corporation, and a Trust Agreement, and approving the Form of an Assignment Agreement relating to the Delivery of Certificates of Participation in an amount not to exceed \$22,000,000 for a term not exceeding 32 Years (1993 Balboa Park/Mission Bay Park Refunding), and such other necessary actions in connection therewith.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (O-2003-122 Cor.Copy)

Authorizing a Lease Agreement with the City of San Diego/MTDB Authority, a Sublease Agreement with the San Diego Metropolitan Transit Development Board, and the authorization for the City of San Diego/MTDB Authority to issue its Lease Revenue Refunding bonds in an amount not to exceed \$18.5 million, pursuant to Section 99 of the City Charter relating to the refunding of certain Lease Finance Obligations Related to the Old Town Light Rail Transit Extension.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

* ITEM-54: Office Space Lease Amendment - MWWD - Complex Street Location.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-123)

Introduction of an Ordinance authorizing the City Manager to execute an amendment to the lease between the City and Gateway West Properties, Inc. for office space at 5450 Complex Street, Suite 310, and 5466 Complex Street, Suite 203, to extend the lease for five years from February 1, 2003 through January 31, 2008, with an option for an additional five years, at an initial rent of \$7,240.19 per month;

Authorizing the City Manager to expend an amount not to exceed \$36,200.95 from Fund 41509 to pay the additional rent due under the Lease as amended, through the end of Fiscal Year 2003.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD) has been leasing space at 5450 and 5466 Complex Street for its consultant, Westinghouse, since September 22, 1997. As a condition of MWWD's agreement with Westinghouse, MWWD is required to provide needed office space in close proximity to MWWD's Office in Kearny Mesa during the term of the consultant agreement. The landlord has consented to extend the lease term at a below market rate. MWWD is proposing to extend the lease under the following basic terms:

Extension Term - Five (5) years, expiring January 31, 2008 with one option to extend the lease for an additional 5 years.

Rent - \$0.91 per square foot or \$7,240.19 per month. The rent will increase annually by 4%. The rent for this extension period is below market value compared to similar space in Kearny Mesa. Rent in this area ranges from \$1.03 per square foot to \$1.10 per square foot.

Size - Approximately 7,950 square feet. Suite 310 is approximately 1,640 square feet, and Suite 203 is approximately 6,310 square feet.

Use - General office use for MWWD's consultant, Westinghouse.

FISCAL IMPACT:

An additional \$36,200.95 will be paid from MWWD's Fund 41509, Dept. 777 for the balance of

FY2003.

Herring/Griffith/DLM

Aud. Cert. 2300949.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

* ITEM-55: Bay Terraces #6 School Site - Joint Use Agreement.

(Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-113)

Introduction of an Ordinance authorizing the City Manager to execute an Agreement for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreational Facilities at Bay Terraces #6 (Joint Use Agreement) with the San Diego Unified School District of San Diego County, California, for the construction, operation, maintenance, and lease of turfed fields and recreational facilities at Bay Terraces #6, and for the lease of Bay Terraces Community Park.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

This proposed lease agreement between the City and the San Diego Unified School District provides for a twenty-five year joint use facility on District-owned property referred to as the Bay Terraces #6 site. The property is identified as excess school property and is contiguous with Zamorano Elementary School and Bay Terraces Community Park. The Bay Terraces #6 school site consists of 6.7 acres, which contains an Early Links Child Care program and associated structures, and the remaining area is undeveloped. The terms of the agreement provide for the design, construction, operation and maintenance for turfed multi-purpose sports fields in phases. The first phase consists of approximately two acres.

The terms of the agreement are consistent with the Memorandum of Understanding between the City of San Diego and San Diego Unified School District for Development and Maintenance of Joint Use Facilities (MOU), approved by the City Council on October 7, 2002 (Resolution R-297149).

On April 16, 2001, City Council Resolution R-294769 authorized the City Manager to apply, accept, appropriate and expend a \$473,000 grant from the State of California for Bay Terraces/Zamorano Joint-Use Development Project.

A fully executed joint-use agreement between the City of San Diego and the San Diego Unified School District is required to complete the contract process for this funding.

FISCAL IMPACT:

Estimated annual maintenance costs will be determined by applying the Financial Contribution formula contained in the MOU and are anticipated to be approximately \$50,000. The funding for this cost will be requested as a new Park and Recreation facility in the Fiscal Year budget process in which it will come on line.

Due to current fiscal concerns in the City and District, it is proposed to secure the State grant of \$473,000 now to continue with this JUA for design purposes. When physical improvements for construction and maintenance begin to be obligated by either party, either party may elect per the agreement to defer the obligations until fiscally prepared to move forward.

Herring/Oppenheim/ASP

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Inviting Bids and Award of Contract for Sewer Pump Stations 34 and 5.

(See memorandum from Frank Belock, Jr. dated 1/8/2003. Centre City Community Area. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-835)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Pump Stations 34 and 5 on Work Order No. 176031;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of the expenditure of any additional Project; and (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,913,890 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Stations Restoration, contingent upon approval of the FY 2004 Capital Improvement Program budget and provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure under

established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K03556C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/15/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station 34 and Sewer Pump Station 5 are located within the Centre City Community area near the intersection of Harbor Drive and Crosby Street. The existing ventilation, electrical, and control equipment for SPS 34 were installed in 1948 and are worn and obsolete. The project's goal is to eliminate SPS 34 and divert the flow to SPS 5. The project includes the demolition of SPS 34, abandoning approximately 650 feet of existing 12-inch cast-iron force main, constructing approximately 710 feet of 15-inch PVC gravity main, 140 feet of 16-inch dual force main, replacing the existing pump motors, extended shafts, and upgrading the electrical system. Construction working hours will be 8:30 a.m. to 3:30 p.m., Monday through Friday. To provide safety to local residents, the site will be fenced. The contractor is required to prepare traffic control plans to the City's Traffic Design Section for approval and implementation. This project was presented to the community during the design stage. Nearby residents will be notified by mail at least one month prior to construction by the City and ten days prior to construction by the contractor through hand distribution.

FISCAL IMPACT:

The total estimated cost of this project is \$2,110,663. Funding of \$196,773 was previously authorized by Council Resolution R-294112. Funds of \$1,913,890 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose, contingent upon approval of the FY 2004 Capital Improvement Program budget.

Loveland/Belock/HR

WWF-03-643.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-101: Amendment No. 1 to Agreement with Rick Engineering Company for Water Quality Improvements.

(University City, Clairemont Mesa, Linda Vista, Pacific Beach Community Areas.
Districts-1, 2, and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-993)

Authorizing the City Manager to execute a First Amendment to the Agreement with Rick Engineering Company, for consultant services for the Rose and Tecolote Creeks Water Quality Improvement Project;

Authorizing the expenditure of an amount not to exceed \$143,862 from CIP-32-050.0, Fund 38351, for the purpose of providing funds for the Project.

CITY MANAGER SUPPORTING INFORMATION:

As part of the work program to meet the Council's beach posting and closure reduction goal and improve Mission Bay water quality, the City of San Diego's Storm Water Pollution Prevention Program is implementing water quality improvements within the Rose and Tecolote Creeks watersheds with State grant funds. The selected improvements or Best Management Practices (BMPs) will be recommended and presented to the Natural Resources and Culture Committee upon completion of the Planning Phase.

On November 21, 2001, Rick Engineering Company was hired (Document No. RR-295750) to provide professional engineering services for the Rose and Tecolote Creeks Water Quality Improvements project. Amendment No. 1 to the Agreement includes additional preliminary engineering, design, environmental clearance and permitting services for water quality improvements that qualify for \$1.7 million in funding from the Clean Beaches Initiative grant received by the City of San Diego from the State Water Resources Control Board (January 8, 2002, RR-295927).

Subconsultants include: MEC Analytical Systems (environmental permitting and CEQA documentation); Dexter Wilson Engineering, Inc. (civil engineering); Simon Wong Engineering (structural design); and Howard Dye Associates (surveying). There will be 3% MBE participation with this Amendment.

FISCAL IMPACT:

Funds for the engineering consultant costs in the amount of \$143,862 are available from the Clean Beaches Initiative grant Fund 38351 (RR-295927). The total cost of the project is currently \$3.7 million. Costs will be reimbursed by the State grant.

Loveland/Anderson/MG

Aud. Cert. 2300863.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: Vacation of an Electrical Easement in a Portion of Pueblo Lots 1314 and 1323.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-974)

Vacating the electrical easement in a portion of Pueblo Lots 1314 and 1323, to unencumber this property, under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an electrical easement in a portion of Pueblo Lots 1314 and 1323. This property is located in the La Jolla Planning area within Council District 1. The easement was granted to the City in 1988 for a traffic signal. The University of California, San Diego has completed street improvements and installed a traffic signal on North Torrey Pines Road at a different location making this easement unnecessary. The improvements are part of the on site housing development for the Eleanor Roosevelt College at the University of California San Diego. The easement is on private property and no rights are granted to the public. The Transportation Development Section has reviewed the abandonment request and recommends approval of the abandonment. This easement was acquired at no cost to the City.

City staff recommends approval of the easement vacation.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Ewell/Broughton/AEA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Two actions related to Easement Grant - San Diego Gas & Electric Company and Street Dedication - MWWD at Camp Nimitz.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1021)

Authorizing the City Manager, or his designee, to execute an easement deed conveying to San Diego Gas & Electric Company an easement for the purpose of

constructing, modifying, improving, reconstructing, relocating, repairing, maintaining and using underground facilities and appurtenances for the transmission and distribution of electricity, and transmission and distribution pipelines and appurtenances for any and all purposes, affecting a portion of Parcel 3 of the Record of Survey Map No. 16556, filed April 25, 2000, as File No. 2000-210625, filed in the Office of the County Clerk of San Diego County, being a portion of Tidelands of the Bay of San Diego;

Stating for the record that the Final Mitigated Negative Declaration was reviewed and considered prior to approving the project; and directing the City Clerk to file a Notice of Determination.

Subitem-B: (R-2003-1053)

Dedicating a portion of City-owned land, being a portion of Parcel 3 ROS 16556 and a portion of Parcel 10 ROS 16556, as and for a public street, and naming it Kincaid Road.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas & Electric Company has requested an easement for underground electrical and gas service on Camp Nimitz. The utilities will exclusively service the MWWD facility, currently under construction.

Since the easement will contain gas pipelines and electric lines, it must be fifteen feet wide. The length is approximately 579.4 feet, and the total easement area to be conveyed is approximately 8,691 square feet. The requested easement will run from the MWWD site to Kincaid Road. MWWD has reviewed and approved the location of the easement.

The underlying fee value of the land is estimated to be in the range of \$20-25 per square foot, and an easement would be typically valued at a percentage of fee value. However, in this case, the easement is for the sole benefit of MWWD facilities, not the public at large. Therefore, the consideration for the easement is providing electric and gas service to the MWWD facilities. Staff recommends no other compensation.

The requested action authorizes the dedication of Kincaid Road for public street purposes as shown on engineering Drawing No. 19987-B. The subject property is City-owned land on Camp Nimitz (Naval Training Center) and the dedication of Kincaid Road will be in compliance with VTM-99-1076, approved by the City Council on October 3, 2000, as part of the NTC Redevelopment project. Kincaid Road will provide a franchise area for public utilities and access to properties within the Camp Nimitz area, including the Metropolitan Wastewater Department Water Testing Lab currently under construction.

FISCAL IMPACT:

None.

Herring/Griffith/ACG

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-104: Scripps Ranch Community Park Sports Field Lighting.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-989)

Authorizing amendment of the Fiscal Year 2003 Capital Improvement Projects Budget by adding CIP-29-618.0, Scripps Ranch Community Park-Sports Lighting;

Authorizing amendment of the Fiscal Year 2003 Capital Improvement Projects Budget by increasing CIP-29-618.0, Scripps Ranch Community Park-Sports Lighting, in the amount of \$268,000 from the following funds: \$125,000 from Fund No. 63022, Private and Other Contributions; and \$143,000 from Fund No. 11230, Scripps Miramar Ranch Special Park Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$268,000 from CIP-29-618.0, Scripps Ranch Community Park-Sports Lighting from the following funds: \$125,000 from Fund No. 63022, Private and Other Contributions; and \$143,000 from Fund 11230, Scripps Miramar Ranch Special Park Fees.

CITY MANAGER SUPPORTING INFORMATION:

Scripps Ranch Community Park is located in the community of Scripps Miramar Ranch in Council District 5. The park supports a number of activities and includes a recreation building, basketball courts, tot lots, lighted multi-purpose sports fields, picnic shelters, and parking. Currently, two of the three multi-purpose sports fields are lighted. The proposed project will provide lighting for the remaining field.

FISCAL IMPACT:

Funding in the amount of \$125,000 has been provided by Shea Homes as a condition of their Planned Industrial/Planned Commercial/Planned Residential/Hillside Review Permit No. 92-0466. Funding is available from Fund No. 11230, Scripps Miramar Ranch Special Park Fees (\$143,000). With this request the project budget will be \$268,000.

Herring/Oppenheim/JH

Aud. Cert. 2300858.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-105: State Water Resources Control Board - Low Interest Loans - Reimbursement Resolution.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1074)

The City does hereby resolve, order and determine as follows:

Section 1 - States its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the Board of the Project Funds;

Section 2 - The reasonably expected maximum principal amount of the Project Funds is \$41,000,000 for costs associated with the Project;

Section 3 - This resolution is being adopted no later than 60 days after the date on which the City will expend monies for the portion of the Project costs, other than preliminary costs, to be reimburse with Project Funds;

Section 4 - Each expenditure by the City will be of a type properly chargeable to a capital account under general federal income tax principles;

Section 5 - To the best of its knowledge, the City is not aware of the previous adoption of official intents by the City that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued;

Section 6 - This resolution is adopted as official intent of the City in order to comply with Treasury Regulation §12.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs;

Section 7 - All the recitals in this resolution are true and correct and the City so finds, determines and represents.

CITY MANAGER SUPPORTING INFORMATION:

The State Water Resources Control Board's State Revolving Fund (SRF) Loan Program is a low interest loan program. This program enables municipalities and wastewater agencies to obtain loans for construction of wastewater capital projects. Currently, the City has contracted and/or received preliminary approval from the State for thirteen loans, in an amount totaling approximately \$143 million. Of the various loan programs, the City has elected to participate in the "zero/low" interest program. This program is now comprised of bonds, Federal and State

funds. The participating municipalities have the option to pay the State's share of the loan (16.7%) in return for a zero-interest, thereby allowing the State to have more funds available for other applicants. The "zero interest" is applied over the loan repayment period of 20 years. The savings are significant when compared to traditional bond funding of capital projects.

In the past year the State has begun leveraging their SRF Loan Program funding contribution through issuance of bonds. This allows for a greater pool of funds to maintain the program's current and future commitments. Due to bond financing regulations, the State is requiring agencies who receive loans to adopt an administrative "Reimbursement Resolution," allowing the City's loan to consist of State bond proceeds in addition to the traditional State and Federal funds. This resolution will encompass three projects to be funded through the loan program, they are: Point Loma Fourth Sludge Pump Station (\$4.7 million estimated loan), Point Loma Digesters S1 and S2 Upgrade Project (\$11.7 million estimated loan) and the Point Loma Grit Processing Improvement Project (\$16.3 million estimated loan).

Mendes/Tulloch/RJE

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-106: Balboa Park Grant Application to the State of California.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1034)

Authorizing the City Manager, or designee, to apply to the State of California for a grant from the 2002 Resources Bond Act, Historical and Cultural Resources Preservation Opportunity Grant Program, in the amount of \$6,000,000, for historical and cultural improvement projects in Balboa Park;

Authorizing the City Manager, or designee, to take all necessary actions to secure and accept grant funds from the State of California for Balboa Park historical and cultural projects, including entering into and executing a grant funding agreement;

Certifying that the City has, or will have, sufficient funds to operate and maintain the projects at no cost to the State;

Certifying that the Council reviewed and understands the General Provisions contained in the Grant Project Contract shown in the Procedural Guide, and that it understands the assurances and certification in the grant application form;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant, if secured;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if the grant is secured;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2003 Capital Improvements Program Budget by increasing CIP-21-855.0, Balboa Park Historical/Cultural Projects, in the amount of \$6,000,000;

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreement, to appropriate and expend the grant funds in the amount of \$6,000,000 from CIP-21-855.0, Balboa Park Historical/Cultural Projects.

CITY MANAGER SUPPORTING INFORMATION:

In March 2002, California voters approved the \$2.6 billion “Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002,” (Prop 40), which includes the Historical and Cultural Resources Preservation Opportunity Grant Program. In September 2002, California Governor Gray Davis announced the allocation of \$6 million in state funds to restore several Balboa Park facilities and allow for the construction of a veterans memorial garden in the park.

The \$6 million will help fund the following projects:

Repairs to the ornamentation on the historic Museum of Art: Constructed in 1926 to house the City’s arts collection, the building’s facade is crumbling and in need of major repairs. Currently, an unsightly wooden cover over the public walkway obscures the architecture. This project will repair the facade to its original grandeur.

Repairs to the ornamentation on the historic Casa del Prado: Similar to the structural issues of the Museum, the ornamentation of the facade of the Casa del Prado is separating from the building. This project will save a celebrated example of Spanish Colonial architecture.

Exterior painting and stucco repair to the historic California Tower: The California Tower, a San Diego icon, exemplifies the aesthetic imagery of Balboa Park. Constructed for the 1915 California-Panama Exposition, this landmark needs extensive stucco repair and painting to preserve the exterior.

Reconstruction of the West Arcade: A covered walkway constructed in 1915 and originally connecting the Plaza de Panama to the Museum of Man, the West Arcade was removed in the 1960s due to disrepair. Utilizing the original architectural plans, this project will restore the last of the four arcades that line the Prado.

Balboa Park Veterans Memorial Garden: The proposed Memorial will honor San Diego armed services veterans. It will be comprised of three components: 1) A bronze-cast of the famous San Diego-manufactured B-24 Liberator; 2) A Medal of Honor Walk between the current memorial and the proposed B-24 memorial; and 3) an expanded garden.

FISCAL IMPACT:

This action will increase the FY 2003 Capital Improvement Project Budget by \$6,000,000 and

expand the scope of work for CIP-21-855.0, Balboa Park Historical/Cultural Projects.

Herring/Oppenheim/AP

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: Fiscal Year 2004 California Arts Council State/Local Partnerships Program Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1052)

Authorizing the City Manager to apply to the California Arts Council State/Local Partnership Program for a grant in an amount not to exceed \$30,000;

Declaring that the City of San Diego Commission for Arts and Culture will use the funds in FY2004 to plan, coordinate and implement programs and services that enhance the culture life of San Diego;

Authorizing the City Manager to administer any grant funds received from the California Arts Council State/Local Partnership Program for Fiscal Year 2004 to support the Commission's programs, services and administration.

CITY MANAGER SUPPORTING INFORMATION:

In 1980, the State Legislation established and funded the State/Local Partnership Program (S/LPP) under the California Arts Council (CAC) to foster cultural development on the local level through a partnership between the CAC and the state's local arts agencies. The nature of this partnership includes arts funding, information exchange, cooperative activities and leadership to enrich the quality of life for all Californians. The goals of the S/LPP are to encourage local communities to foster the growth of arts resources to meet local needs; to provide access to and increase the awareness of high quality artistic experiences for all Californians; to serve the cultural needs of local communities including geographically isolated and economically disadvantaged communities; to encourage and promote cultural expression and participation among the diverse underserved populations of the state based on local planning and the goals of the CAC; to promote cooperation and collaboration among county and city arts agencies in planning, programming and policy development; to increase support for quality artistic activities by supporting programs, services and arts policy development efforts of California's designated local arts agencies; and to broaden and leverage public and private support for the arts.

The San Diego City Council, by Resolution R-252650 adopted on September 9, 1980, determined to act as a S/LPP partner separate from the County of San Diego and designated the Combined Arts and Educational Council to perform under the S/LPP in its behalf from 1980-1983. In 1984, the San Diego City Council changed this designation and identified itself as the local partner. By February 14, 2003, a grant application will be submitted to the CAC S/LPP in the amount of

\$30,000. Funds will be used by the City of San Diego Commission for Arts and Culture (Commission) during Fiscal Year 2004 to plan, coordinate and implement programs and services that enhance the cultural life of San Diego as well as supporting programs that assist economically disadvantaged children in urban regions.

FISCAL IMPACT:

To receive the \$30,000 in CAC S/LPP funds, the City must provide a one-to-one match. The Commission's Fiscal Year 2004 administrative and programs budget will provide the matching funds in the form of the executive director's salary, contingent upon City Council's approval of the Fiscal Year 2004 budget. The matching funds come from existing line items in the proposed Fiscal Year 2004 budget.

Herring/Hamilton/VS

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-108: Settlement of the Personal Injury Claim of Stan Lynn. City File # LX00-0705-3453.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1067)

A Resolution approved by the City Council in Closed Session on Tuesday, February 4, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$150,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury claim of Stan Lynn (Superior Court Case No. 00CV2385-W(NLS), Stan Lynn v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$150,000 made payable to Stan Lynn and Gattey, Cooney and Barani, LLP, his attorneys of record, in full settlement of the lawsuit and all claims;

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Stan Lynn, against the City of San Diego, its agents and employees, as a result of an incident which occurred on January 4, 1999.

Lexin/Lopez/JE
Aud. Cert. 2300929.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-109: Appointment and Reappointments to the Library Commission.

(See memorandum from Mayor Murphy dated 3/5/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1088)

Council confirmation of the following appointment and reappointments by the Mayor to serve as members of the Board of Library Commissioners, for terms ending March 1, 2005:

Reappointments

Judy McCarty
Mary Anne Pintar

Appointment

Katie Sullivan (replacing Mary Lindenstein Walsok, whose term has expired)

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-110: Pastor George Carlson Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1060)

Recognizing Pastor George Carlson for his outstanding selfless service to his faith and his fellow man;

Proclaiming March 11, 2003 to be "Pastor George Carlson Day" in San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-905)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-112: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-942)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-113: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1011)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of

implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-114: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-802)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARING:

ITEM-200: FY2004 Financial Forecast Report.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1041)

FY2004 Financial Forecast Report.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED:

ITEM-201: Amending San Diego Municipal Code Section 22.0228 relating to the Preparation

of Annual Budget; Library Appropriation.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-127)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 2 of the San Diego Municipal Code by amending Section 22.0228 relating to the Preparation of Annual Budget; Library Appropriation.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTION:**

ITEM-202: Support for Full Payment of the Vehicle License Fees (VLF) to Local Government.

**~~RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:~~**

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1106)

Urging the California Legislature to reject a shift of local vehicle license fee (VLF) revenues and to honor the 1998 commitment to restore the VLF.

Declaring that the City Council of the City of San Diego supports full payment of the VLF (vehicle license fee) to local governments by whatever means the State feels necessary to fulfill their commitment, whether that be through continued backfill of the VLF or implementation of the provision of the current law providing for reinstatement of the VLF.

**ADOPTION AGENDA, DISCUSSION, HEARINGS
SPECIAL HEARINGS:**

ITEM-203: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

ITEM-A: North Bay Area Request for Qualifications

Property: An area consisting of approximately 95 acres of City-owned property in the Sports Arena/Midway District. The property is generally located north of Sports Arena

Boulevard at the intersection of West Point Loma Boulevard and Southwest of Kurtz Street consisting of the following Assessor Parcels:

- 1) APN-441-160-04
- 2) APN-441-370-21
- 3) APN-441-590-04
- 4) APN-441-590-05
- 5) APN-441-590-06
- 6) APN-441-530-38
- 7) APN-441-540-18

City Negotiator: Real Estate Assets Director

Negotiating Parties: North Bay Village Partners LLC;
The Related Companies of California

Under Negotiation: Seeking direction on the submittals in response to a Request for Qualifications.

ITEM-B: Casa Colina Del Sol

Property: 5207 52nd Place (APN-472-390-20)

City Negotiator: Real Estate Assets Director

Negotiating Party: San Diego Housing Commission

Under Negotiation: Terms of a potential disposition of the property.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) these issues are listed on the docket **only** for public testimony.

There is no Council discussion of these items. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on March 18, 2003.

NOTE: Members of the public wishing to address the Council on these items should speak "in favor" or "in opposition" to the subject.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of Property Damage Claim of Tom Wright.

(R-2003-982)

Adopted as Resolution R-297660.

A Resolution approved by the City Council in Closed Session on Tuesday, February 11, 2003, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$88,119.52 in complete settlement of each and every claim against the City, its agents and employees, resulting from property damage claim of Tom Wright et al. on April 21, 2002 (Claim File No. LP02-7771-2834, Tom Wright, et al. v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue two checks, one check in the amount of \$7,370.08 made payable to Elsie Spondike and one check in the amount of \$34,919.26 made payable to Luth & Turley, Inc. in full settlement of all claims.

Aud. Certs. 2300849 and 2300855.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Santa Fe Downs

COMMUNITY AREA

Via de La Valle

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Notice of Pending Final Map Approval - Bosque Del Mar.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Bosque Del Mar,” a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Carmel Valley Community Plan Area, southeasterly of SR-56 and El Camino Real in Council District 4.

Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: Notice of Pending Final Map Approval - Vista Bougainvillea.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Vista Bougainvillea”, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Del Mar Mesa Community Plan Area, northeasterly of Shaw Ridge Road and Del Vino Court in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any

approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: **Notice** of Pending Final Map Approval - Montecito - Unit 1.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled Montecito - Unit 1, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Scripps Miramar Ranch Community Plan Area in Council District 5, southeasterly of Scripps Poway Parkway and Pomerado Road. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about

the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT